

IN RE: PETITION FOR ZONING VARIANCE - SE/S REDCOAT LANE, 440' FEET +/- N OF C/L OF DANCE MILL ROAD (3820 DANCE MILL ROAD) \* BEFORE THE ZONING COMMISSIONER OF BALTIMORE COUNTY \* CASE NO.: 90-114-A \* THOMAS F. MULLAN, III \* J. PATRICK MULLAN, PETITIONERS \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Zoning Variance from Section 1A03.4.B.4 Baltimore County Zoning Regulations ("B.C.Z.R.") to permit building setbacks of 12 feet, 15 feet, 20 feet, 21 feet and 39 feet in lieu of the required 50 feet for certain agricultural and residential structures in an R.C.4 Zone, due to a new subdivision of the property, as more particularly described on Petitioners' Exhibit 1A.

The Petitioners appeared, and were represented by Robert A. Hoffman, Esquire, who proffered the testimony. Also appearing on behalf of the Petitioners was George E. Gavelis, an expert land planner with Daft-McCune-Walker, Inc. Arthur I. Judge, a neighbor of the Petitioners, appeared as an interested party. There were no protestants.

Mr. Hoffman testified that the Petitioners are brothers who owned adjoining land located on Dance Mill Road near Redcoat Lane (Patrick Mullan now owns all of the property shown on Petitioner's Exhibit 1). Mr. Hoffman stated that over the years the Petitioners had shared together in horse-

raising activities on the subject site, which is zoned R.C.4. In so doing, they had disregarded the property lines defining their separate ownerships and, as a result, the structures and outbuildings serving the horse-raising operation had been built partly on Tim Mullan's land and partly on Patrick Mullan's land.

Mr. Hoffman stated that the variance request resulted from the fact that Tim has moved to another farm property; therefore, the line of division between the existing lots now needs to be adjusted so that all the structures related to horse-raising activities are consolidated onto one part of the farm and so that Tim Mullan's former holdings may be separated from the agricultural use. In doing so, however, the line must be drawn so as to require the setback variances requested.

Mr. Hoffman proffered the testimony of Mr. Gavelis stating that the proposed placement of the new line of division is the best available alternative in that it is the only possible line which would accomplish the purpose of separating the agricultural and residential uses on the property. He indicated that if the line were required to be placed elsewhere, or was not approved at all, the Petitioners would suffer practical difficulty and/or unreasonable hardship. Also, Mr. Hoffman proffered a revised Petitioner's Exhibit 1A which combines two of three existing lots of record abutting an area marked Parcel "A", with Parcel "A", to create

one valid Lot "2" totaling 5.96 acres and maintaining the third existing lot of record totaling 2.91 acres. The combination is required because the establishment of the line of division between the agricultural and residential uses severs Parcel A, which does not meet the minimum lot requirements of the RC-4 Zone. The recombination of Parcel A with the two nonconforming lots into one Lot "2" and the granting of the Variances makes the requested division permissible.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Section 307 B.C.Z.R. and, therefore, should be granted. The variances requested will not be detrimental to the public health, safety and general welfare, are not contrary to the spirit and intent of the B.C.Z.R., and will not result in substantial detriment to the public good. Also, the testimony has established that the requirement from which the Petitioners seek relief would unduly restrict the use of the land due to special conditions unique to this particular parcel. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for

the reasons given above, the relief requested should be granted. THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 13th day of January, 1990, that the Petition for Variance from Section 1A03.4.B.4 B.C.Z.R. to permit building setbacks of 12 feet, 15 feet, 20 feet, 21 feet and 39 feet in lieu of the required 50 feet for certain agricultural and residential structures in an R.C.4 Zone, in accordance with Petitioners Exhibit 1A, be and is hereby GRANTED, subject, however, to the following restrictions:

1. A new deed and description shall be prepared and recorded for Lot "2".

J. Robert Haines  
Robert Haines  
Zoning Commissioner for  
Baltimore County

November 2, 1988

Mr. Gary L. Kerns, Chief  
Current Planning and Development  
Office of Planning and Zoning  
County Office Building  
Towson, MD 21204

Re: Mullan/Dance Mill Road  
Our File No. 88003

Dear Gary:

Thomas S. Mullan, III and J. Patrick Mullan are brothers who own adjoining land off of Dance Mill Road and Redcoat Lane. Over the years they have shared together in horse raising activities. In so doing, they have disregarded property lines defining their separate ownerships. Patrick resides in a combination dwelling/stable which is partly on his land and partly on his brother's land. Other structures and outbuildings serving the horse raising operations similarly are on one property and used by the other property.

Thomas S. Mullan, III will be moving to a larger farm property. The line of division between the brothers' properties now needs to be adjusted so that all of the structures related to horse raising activities are in Patrick's ownership. Thomas will thereafter sell the balance which includes an existing dwelling and tenant house.

We have reviewed the related zoning issues with Jim Dyer. He has determined that we shall need a series of variances to the new RC-4 setbacks of the agricultural structures to the new line of division. He also has determined that the dwelling and line of division. He also has determined that the dwelling and line of division. He also has determined that the dwelling and line of division. He also has determined that the dwelling and line of division.

As part of the variance process, we need also to resolve the subdivision approval process. The new line of division between the brothers' properties consolidates those structures and areas which are necessary for continued horse raising operations by Patrick. The Development Regulations define agricultural purposes as any use of land which directly contributes to the production, processing, or storage of agricultural products. No new streets are involved in creating the new line of division.

Mr. Gary L. Kerns, Chief  
Page 2  
November 2, 1988

We believe that the consolidation of agricultural structures into the ownership of Patrick is a subdivision of land for agricultural purposes. As such, we further believe that it is exempt from the provisions of the Development Regulations in accordance with the provisions of Section 22-41.

If you agree, please confirm that this specific subdivision proposal is exempt from the regulations in the space provided below. As always, thank you for your patient consideration.

Very truly yours,

DAFT-McCUNE-WALKER, INC.

George E. Gavelis  
Vice President

CEG/kmb

Gary L. Kerns, Chief  
Current Planning and Development

ORDER RECEIVED FOR FILING  
Date: 1/13/90  
By: J. Robert Haines

ORDER RECEIVED FOR FILING  
Date: 1/13/90  
By: J. Robert Haines

ORDER RECEIVED FOR FILING  
Date: 1/13/90  
By: J. Robert Haines

ORDER RECEIVED FOR FILING  
Date: 1/13/90  
By: J. Robert Haines

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-114-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A03.4.B.4 to permit minimum building setbacks as close as 12 ft. in lieu of the permitted 50 ft. for certain agricultural and residential structures in an R.C.4 zone.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

To be determined at hearing.

MAP # 3D  
E.D. 10th  
DATE 1-10-90  
200 BT  
WOOD BT  
CP 6

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner: Patrick Mullan, III (Type or Print Name) Signature  
Contract Purchaser: Thomas F. Mullan, III (Type or Print Name) Signature  
Address: 3820 Dance Mill Road, Phoenix, Maryland 21131  
Attorney for Petitioner: John B. Howard, Esquire (Type or Print Name) Signature  
Address: 3820 Dance Mill Road, Phoenix, Maryland 21131  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: John B. Howard, Esquire, Name 210 Allegheny Avenue, Towson, MD 21204 823-4111

DAFT-McCUNE-WALKER, INC. 200 East Pennsylvania Avenue, Towson, Maryland 21204 301 296 5333 FAX 301 296 4705  
Land Planning & Development Consultants  
Land Planning  
Engineering  
Landscape Architecture  
Surveying  
Computer Design  
Graphics



Description  
To Accompany Petition for Zoning Variances  
18.87 Acre Parcel, J. Patrick Mullan and Thomas S. Mullan, III Property,  
South Side Redcoat Lane, East of Dance Mill Road  
Tenth Election District, Baltimore County, Maryland

Beginning for the same on the southeast side of Redcoat Lane, 50 feet wide, at the end of the second of the two following courses and distances measured from the point formed by the intersection of the centerline of Dance Mill Road with the centerline of Redcoat Lane (1) Northeasterly along said centerline or Redcoat Lane 440 feet, more or less, and thence (2) Southeasterly 25 feet, more or less, to the point of beginning, thence leaving said beginning point, thence running and binding on said southeast side of Redcoat Lane, the two following courses and distances, viz: (1) Northeasterly by a line curving to the right with a radius of 765.14 feet for a distance of 606.14 (the arc of said curve being subtended by a chord bearing North 71 degrees 31 minutes 19 seconds East 590.41 feet), and thence (2) South 85 degrees 47 minutes 00 seconds East 215.86 feet, thence leaving said southeast side of Redcoat Lane and running the twelve following courses and distances, viz: (3) South 04 degrees 13 minutes 00 seconds West 220.05 feet, thence

Page 1 of 2

(4) North 43 degrees 46 minutes 40 seconds East 44.99 feet, thence (5) South 66 degrees 01 minute 30 seconds East 976.20 feet, thence (6) South 59 degrees 27 minutes 23 seconds West 621.15 feet, thence (7) South 57 degrees 17 minutes 13 seconds West 218.11 feet, thence (8) North 32 degrees 43 minutes 17 seconds West 148.05 feet, thence (9) South 58 degrees 38 minutes 43 seconds West 109.50 feet, thence (10) North 38 degrees 47 minutes 10 seconds West 574.33 feet, thence (11) South 51 degrees 32 minutes 20 seconds West 169.62 feet, thence (12) North 38 degrees 13 minutes 10 seconds West 363.52 feet, thence (13) North 58 degrees 24 minutes 50 seconds East 45.00 feet and thence (14) North 41 degrees 10 minutes 25 seconds West 167.69 feet to the point of beginning; containing 18.87 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

April 21, 1989

Our Job No. 88003 (L88003.1)



Page 2 of 2

ORDER RECEIVED FOR FILING  
Date: 1/13/90  
By: J. Robert Haines

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of January, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 13th day of January, 1990, at 9 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

(over)

559

559

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

November 17, 1989



Dennis F. Rasmussen  
County Executive

Robert J. Hoffman, Esquire  
Venable, Baetjer and Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
Case #90-114-A  
Thomas F. Mullan, III, Petitioner

Dear Mr. Hoffman:

At the conclusion of the above hearing on September 28, 1989, it was agreed that you would prepare a draft order in the matter. As of this date, I have not received the draft Order from you, nor have I received any indication as to the proposed handling of the issues raised relevant to the additional expansion and/or new home sites.

Would you please contact me, concerning this matter, as soon as possible.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner

JRH:mmm

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

January 18, 1990



Dennis F. Rasmussen  
County Executive

Robert Hoffman, Esquire  
Venable, Baetjer and Howard  
210 Allegheny Avenue  
Towson, Maryland 21204

RE: The Mullan Farm - Order for Zoning Variance  
Case No. 90-114-A

Dear Mr. Hoffman:

The above captioned matter still remains open. I believe the time has come for some final results.

Please let me hear from you within the next week to ten days.

Very truly yours,  
J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:mmm

VENABLE, BAETJER AND HOWARD  
ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD  
WASHINGTON, D.C.  
MCLEAN, VA  
ROCKVILLE, MD  
BETHESDA, MD  
111 WEST CHESAPEAKE AVENUE, 1ST FLOOR  
TOWSON, MARYLAND 21286-9817  
P.O. BOX 8817  
TOWSON, MARYLAND 21286-9817  
1201 882-4111  
FAX 1201 881-0417

February 7, 1990

WRITER'S DIRECT NUMBER IS  
301-494-9181

HAND DELIVERY

J. Robert Haines  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue, 1st Floor  
Towson, Maryland 21204

RE: Petition for Zoning Variance  
Case No. 90-114-A  
Thomas F. Mullan, III, Petitioner

Dear Mr. Haines:

Enclosed please find the revised Order for the above-captioned matter.

If you should have any questions regarding this matter, please contact me.

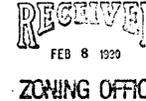
Yours truly,

William F. Splitzger, Jr.

WFS/lal  
Enclosures  
cc: Thomas F. Mullan, III  
J. Patrick Mullan  
Robert A. Hoffman, Esquire

msf

Order O.K.  
Change date  
Plan must be stamped Pet. Ex. 1A  
Copies of new plan need not be mailed with site orders.



CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

90-114-A

District: 12th Date of Posting: 9/2/89

Posted for: Thomas F. Mullan, III, J. Patrick Mullan

Petitioner: Thomas F. Mullan, III, J. Patrick Mullan

Location of property: 3620 Dance Mill Road, Towson, MD 21286

Location of Sign: 111 West Chesapeake Avenue, 1st Floor, Towson, MD 21204

Remark: None

Posted by: J. Robert Haines Date of return: 9/13/89

Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., Sept 1, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on August 31, 19 89

THE JEFFERSONIAN  
TOWSON TIMES,

S. Zebe Olson  
Publisher

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property located herein in Room 1106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Petition for Zoning Variance Case No. 90-114-A  
3620 Dance Mill Road, 440' N of c/l of Dance Mill Road  
10th Election District - 6th Councilmanic  
Hearing Date: Thursday, Sept. 28, 1989 at 9:00 a.m.  
Petitioner: Thomas F. Mullan, III & J. Patrick Mullan  
Hearing Date: Thursday, Sept. 28, 1989 at 9:00 a.m.  
Variance: To permit minimum building setbacks as close as 12 feet in lieu of the permitted 50 feet for certain agricultural and residential structures in an R.C. zone.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
11/2/89 Aug. 31.

PO 16257  
reg H34163  
ca 90-114-A  
price \$95.29

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

DATE 9-7-89



Dennis F. Rasmussen  
County Executive

J. Patrick Mullan & Thomas F. Mullan, III  
3620 Dance Mill Road  
Phoenix, Maryland 21131

Re: Petition for Zoning Variance  
CASE NUMBER: 90-114-A  
SE/S Redcoat Lane, 440' N of c/l of Dance Mill Road  
"3620 Dance Mill Road"  
10th Election District - 6th Councilmanic  
Petitioner(s): Thomas F. Mullan, III & J. Patrick Mullan  
HEARING SCHEDULED: THURSDAY, SEPTEMBER 28, 1989 at 9:00 a.m.

Dear Petitioners:

Please be advised that \$120.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before the hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT  
No. 077320  
DATE: 9/28/89 ACCOUNT: 901615.000  
AMOUNT: \$ 120.29  
RECEIVED FROM: Thomas Mullan  
FOR: 90-114-A for 9/28/89 hearing 90-114-A  
B C I D \*\*\*\*\*12025: a 52ca1

post set(s), there for each such set

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353  
J. Robert Haines  
Zoning Commissioner

August 14, 1989



Dennis F. Rasmussen  
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-114-A  
SE/S Redcoat Lane, 440' N of c/l of Dance Mill Road  
"3620 Dance Mill Road"  
10th Election District - 6th Councilmanic  
Petitioner(s): Thomas F. Mullan, III & J. Patrick Mullan  
HEARING SCHEDULED: THURSDAY, SEPTEMBER 28, 1989 at 9:00 a.m.

Variance: To permit minimum building setbacks as close as 12 feet in lieu of the permitted 50 feet for certain agricultural and residential structures in an R.C. zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines  
ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

JRH:gs  
cc: J. Patrick Mullan  
Thomas F. Mullan, III  
John B. Howard, Esq.  
File

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner  
DATE: September 8, 1989  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: Thomas F. Mullan, III, Item 559  
Zoning Petition No. 90-114-A

The petitioner requests a variance for relief from the required minimum setback in a RC 4 zone. The Office of Planning and Zoning has no objection to this request.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

PK/JL/sf

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(301) 887-3554

July 24, 1989



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, MD 21204

RECEIVED  
AUG 3 1989  
ZONING OFFICE

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 525, 526, 527, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 557, 558 and 559.

Very truly yours,  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lab

SEP 11 1989

BALTIMORE COUNTY, DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

7/11/89  
Date

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 559, Zoning Advisory Committee Meeting of June 27, 1989

Property Owner: Thomas F. Mullan, III, et ux

Location: SEK Redcoat Ln, 440' NE of centerline Dance Mill Rd. District: 10

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_, conducted.
  - ( ) The results are valid until \_\_\_\_\_
  - ( ) Soil percolation test results have expired. Petitioner should contact the Division of Water and Sewer to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test
  - ( ) shall be valid until \_\_\_\_\_
  - ( ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property and approval of Building Permit Applications.
- ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management at 887-3980.
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.
- ( ) Others \_\_\_\_\_

*[Signature]*  
BUREAU OF WATER QUALITY AND RESOURCE  
MANAGEMENT

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2586  
(301) 887-4500

Paul H. Reincke  
Chief

JUNE 26, 1989

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204



Dennis F. Rasmussen  
County Executive

RE: Property Owner: THOMAS F. MULLAN, III  
Location: SE/S OF REDEOAT LANE, 440' NE OF  
CENTERLINE OF DANCE MILL ROAD  
Item No.: 559 Zoning Agenda: JUNE 27, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *[Signature]* Noted and Approved *[Signature]*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

JUN 27 1989

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: September 12, 1989

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for June 27, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 525, 527, 542, 543, 544, 545, 546, 548, 549, 550, 551, 552, 553, 554, 555, 557 and ~~558~~.

For Item 526, comments are attached.

For Item 547, Glen Arm Road and Long Green Pike are existing roads, which shall ultimately be improved as 40-foot street cross-sections on 60-foot rights-of-ways. The Developer must grant the highway widening and slope easements at no cost to the County.

For Item 558, California Avenue is an existing road, which shall ultimately be improved as a 30-foot street cross-section on a 50-foot right-of-way. The Developer must grant the highway widening and slope easement at no cost to the County.

*[Signature]*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

Encl.



BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt  
Zoning Commissioner  
DATE: October 10, 1991

FROM: Arnold Jablon  
Zoning Director

RE: Case No. 90-114A - *Rec. JK*

I agree with your handling of the substitution. If you agree that the change is a minor refinement, then the manner in which you approved this particular plan is entirely appropriate.

AJ/cmm

AJ

BALTIMORE COUNTY, MARYLAND  
Inter-Office Memorandum

TO: Arnold Jablon, Director  
Office of Zoning Administration  
October 7, 1991

FROM: Lawrence E. Schmidt  
Zoning Commissioner *LES*

SUBJECT: Case No. 90-114-A  
Proposed Amendment to Zoning Commissioner's Order  
of February 13, 1990

I recently was contacted by Rob Hoffman regarding an amendment to the Findings of Fact and Conclusions of Law issued by Bob Haines in the above case on February 13, 1990. That case involved a Petition for Zoning Variance for certain minimum buildings setbacks in an R.C.4 zone. The property involved is an 18.87 acre parcel (gross area) owned by J. Patrick Mullan and Thomas F. Mullan III.

Based upon my review of the file and conversation with Rob Hoffman, it appears that an amendment to the site plan was offered at the hearing which revised two of the three existing lots of record. A revision was necessary because the site plan submitted prior to the hearing provided for a lot of insufficient size to meet the requirements of an R.C.4 zone. Apparently, subsequent to the hearing, Mr. Hoffman's clients decided to alter the amendment by way of the transfer of a 7 acre parcel from that portion of the property marked Lot 1 to be added to that portion designated as Lot 2. Mr. Hoffman has discussed this proposal and received approval from both you and Pat Keller. For your reference, attached is a copy of his letter to you dated August 5, 1991 on which you signed off, as well as his letter to Mr. Keller dated July 19, 1991.

In that his present request is for the substitution of a site plan/exhibit offered in a hearing before the Zoning Commissioner, I believe that my approval is required. Further, my understanding of this office's practice is to accept the new site plan by initialing same and including it with the case file in lieu of conducting a new hearing and/or issuing a new Order. I intend on doing that in this case, as well as sending Mr. Hoffman a confirmatory letter. I believe this to be particularly appropriate in this matter in that there were no Protestants at the prior hearing, and the amendment is within the spirit and intent of Commissioner's Haines' opinion and Order.

I would appreciate your input as to my proposed manner of proceeding as set forth within this memorandum.

LES:mnn  
encls.

10/8/91  
2/16 AL

VENABLE, BAETJER AND HOWARD  
ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD  
WASHINGTON, D. C.  
MELLEN, VA  
ROCKVILLE, MD  
BEL AIR, MD

210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21285-5517  
(301) 824-4111  
FAX (301) 821-0147

August 5, 1991

ROBERT A. HOFFMAN

ORIGINAL  
DRAFT  
8/5/91

HAND-DELIVERED

Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Mullan Property; 10th Election District,  
Baltimore County, Maryland; South of Redcoat  
Lane, East of Dance Mill Road

Dear Arnold:

As you know from our previous discussion, a certain portion of a parcel of property referenced above and comprising seven acres in the R.C. 4 zone is the subject of a proposed transfer from Thomas F. Mullan, III to J. Patrick Mullan, his brother, for agricultural use (see site plan attached). Specifically, the legal owner desires to subdivide a ten-acre tract into a seven-acre lot and a three-acre lot with two existing dwellings.

This property was the subject of Case No. 90-114-A (copy enclosed), in which the Mullans obtained variances for building setbacks for the agricultural and residential structures on site. Patrick Mullan operates the Mullan farm, and this case approved new setbacks such that all the farm buildings were on Patrick's side of the line.

As you indicated in a conversation with me on July 11, 1991, and because ten acres in the R.C. 4 zone are entitled to two dwelling units, Tim would be permitted to make the transfer of the seven acres

Mr. Arnold F. Keller, III  
July 19, 1991  
Page 2

the seven acres are restricted to only open space or agricultural use, unless recombed with the three acres. Before making a final determination, Arnold has asked for a similar letter which will contain the proposed deed restrictions for both the seven and three-acre parcels.

We believe, and you indicated in our phone conference, that the proposed subdivision and transfer is exempt from the Baltimore County Development regulations as a transfer for agricultural purposes under Section 22-41 of the Baltimore County Code.

Please indicate your agreement that the proposed subdivision and transfer is exempt from the Development Regulations as an agricultural purpose by signing below.

Yours truly,  
*Robert A. Hoffman*  
Robert A. Hoffman

RAH/cac  
Enclosures

*Arnold F. Keller, III*  
ARNOLD F. (PAT) KELLER, III

ORIGINAL  
DRAFT

Arnold Jablon, Director  
August 5, 1991  
Page 2

with the existing dwellings (one of which is non-conforming) remaining on a three-acre lot, so long as the seven acres are restricted to only open space or agricultural use, unless recombed with the three acres. However, you suggested meeting with Jim Dyer for additional feedback.

Following the meeting with Mr. Dyer and after additional conversations with you, it was apparent the subdivision would be permitted only with appropriate and comprehensive deed restrictions on both the seven-acre and three-acre parcel. Language documenting these restrictions will be incorporated into both deeds and will state that the transfer between the Mullans is intended to create a seven-acre tract for agricultural purposes, with the remaining three-acre parcel retained for use of the two existing dwellings. It will be stated that one of the two dwellings is considered non-conforming. Also, reference will be made to Case No. 90-114-A and the relief granted therein. More importantly, the respective deeds will also contain the following binding, restrictive language.

1. Deed for seven-acre parcel:

PROVIDED, HOWEVER, that the Property herein conveyed shall be used only for open space or agricultural purposes and no residential dwelling unit may be constructed thereon, in perpetuity, unless the Property is combined with an adjacent parcel containing sufficient acreage and density to permit the construction of residential dwelling(s) or the property is rezoned to permit additional residential dwelling(s).

2. Deed for three-acre parcel:

PROVIDED, HOWEVER, that the Property herein conveyed (which currently contains two (2) residential dwellings) shall not be subdivided for any purpose in perpetuity, unless the Property is recombed with the Grantor's approximately seven-acre parcel described on Exhibit B attached hereto, which parcel is immediately adjacent to the Property conveyed herein, in which case, the Property may be subdivided so that each residential dwelling is on a separate lot, if in accordance with all then-existing zoning and development regulations. In addition, the property has density to support only two residential dwellings and no additional residential dwelling may be constructed on the Property, in perpetuity, unless the Property is rezoned to permit additional residential dwelling(s) or the Property is combined with an adjacent parcel containing sufficient acreage and density to permit the construction of additional residential dwelling(s).

These deeds will be presented to you for your review prior to any transfer or conveyance.

ORIGINAL  
DRAFT

Arnold Jablon, Director  
August 5, 1991  
Page 3

Please indicate your concurrence that the proposed subdivision may occur under the conditions stated herein by signing below.

Yours truly,  
*Robert A. Hoffman*  
Robert A. Hoffman

RAH/tls  
cc: James E. Dyer, Zoning Supervisor

*Arnold Jablon*  
ARNOLD JABLON

Date 8/15/91

VENABLE, BAETJER AND HOWARD  
ATTORNEYS AT LAW  
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

BALTIMORE, MD  
WASHINGTON, D. C.  
MELLEN, VA  
ROCKVILLE, MD  
BEL AIR, MD

210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21285-5517  
(301) 824-4111  
FAX (301) 821-0147

July 19, 1991

ROBERT A. HOFFMAN

Arnold F. (Pat) Keller, III  
Deputy Director  
Baltimore County Office of  
Planning and Zoning  
County Courts Building  
401 Bosley Avenue  
Towson, Maryland 21204

RE: Mullan Property; 10th Election District,  
Baltimore County, Maryland; South of  
Redcoat Lane, East of Dance Mill Road

Dear Pat:

As you may know from our previous conversations, a certain portion of a parcel of property referenced above and comprising seven acres in the R.C.4 zone is the subject of a proposed transfer from Thomas F. Mullan, III to J. Patrick Mullan, his brother, for agricultural use (see site plan attached). Specifically, the legal owner desires to subdivide a ten-acre tract into a seven-acre parcel for conveyance as an agricultural use, and a three-acre parcel with two existing dwellings.

This property was the subject of Case No. 90-114-A (copy enclosed), in which the Mullans obtained variances for building setbacks for the agricultural and residential structures on site. Patrick Mullan operates the Mullan farm, and this case approved the modification of the property line such that all of the farm buildings were placed within his holdings.

I met with Arnold Jablon on July 11, 1991, and he indicated that Tim can make the transfer of the seven acres with the existing dwellings (one of which is non-conforming) remaining on the three-acre lot, so long as

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Lawrence E. Schmidt  
Zoning Commissioner  
DATE: October 11, 1991

FROM: Arnold Jablon  
Zoning Director

RE: Case No. 90-114A

I agree with your handling of the substitution. If you agree that the change is a minor refinement, then the manner in which you approved this particular plan is entirely appropriate.

AJ/cmm

OK -  
Send  
letter to  
RAH  
LES

file in  
Zoning file  
SES

FOR ROB-  
MONDAY  
(Here are Mullan  
materials for your  
meeting)

 Baltimore County Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Robert A. Hoffman, Esquire  
Venable, Baetjer and Howard  
710 Allegheny Avenue  
P.O. Box 5517  
Towson, Maryland 21285-5517

IN RE: PETITION FOR ZONING \* BEFORE THE  
VARIANCE - SE/S REDCOAT LANE, \* ZONING COMMISSIONER OF  
440' FEET +/- N OF C/L \* BALTIMORE COUNTY  
OF DANCE MILL ROAD (3820 \*  
DANCE MILL ROAD) \*  
10TH ELECTION DISTRICT \* CASE NO.: 90-114-A  
6TH COUNCILMANIC DISTRICT \*  
THOMAS F. MULLAN, III \*  
J. PATRICK MULLAN, PETITIONERS \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a Zoning Variance from Section 1A03.4.B.4 Baltimore County Zoning Regulations ("B.C.Z.R.") to permit building setbacks of 12 feet, 15 feet, 20 feet, 21 feet and 39 feet in lieu of the required 50 feet for certain agricultural and residential structures in an R.C.4 Zone, due to a new subdivision of the property, as more particularly described on Petitioner's Exhibit 1A.

The Petitioners appeared, and were represented by Robert A. Hoffman, Esquire, who proffered the testimony. Also appearing on behalf of the Petitioners was George E. Gavrelis, an expert land planner with Daft-McCune-Walker, Inc. Arthur I. Judge, a neighbor of the Petitioners, appeared as an interested party. There were no protestants.

Mr. Hoffman testified that the Petitioners are brothers who owned adjoining land located on Dance Mill Road near Redcoat Lane (Patrick Mullan now owns all of the property shown on Petitioner's Exhibit 1). Mr. Hoffman stated that over the years the Petitioners had shared together in horse-

**VENABLE, BAETJER AND HOWARD**  
ATTORNEYS AT LAW

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
210 ALLEGHENY AVENUE  
P.O. BOX 5517  
TOWSON, MARYLAND 21285-5517  
(301) 823-4111  
FAX (301) 821-0147

October 21, 1991

WRITER'S DIRECT NUMBER IS  
494-9171

Lawrence E. Schmidt, Esquire  
Zoning Commissioner of Baltimore County  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Mullan Property  
Case No. 90-114-A

Dear Mr. Schmidt:

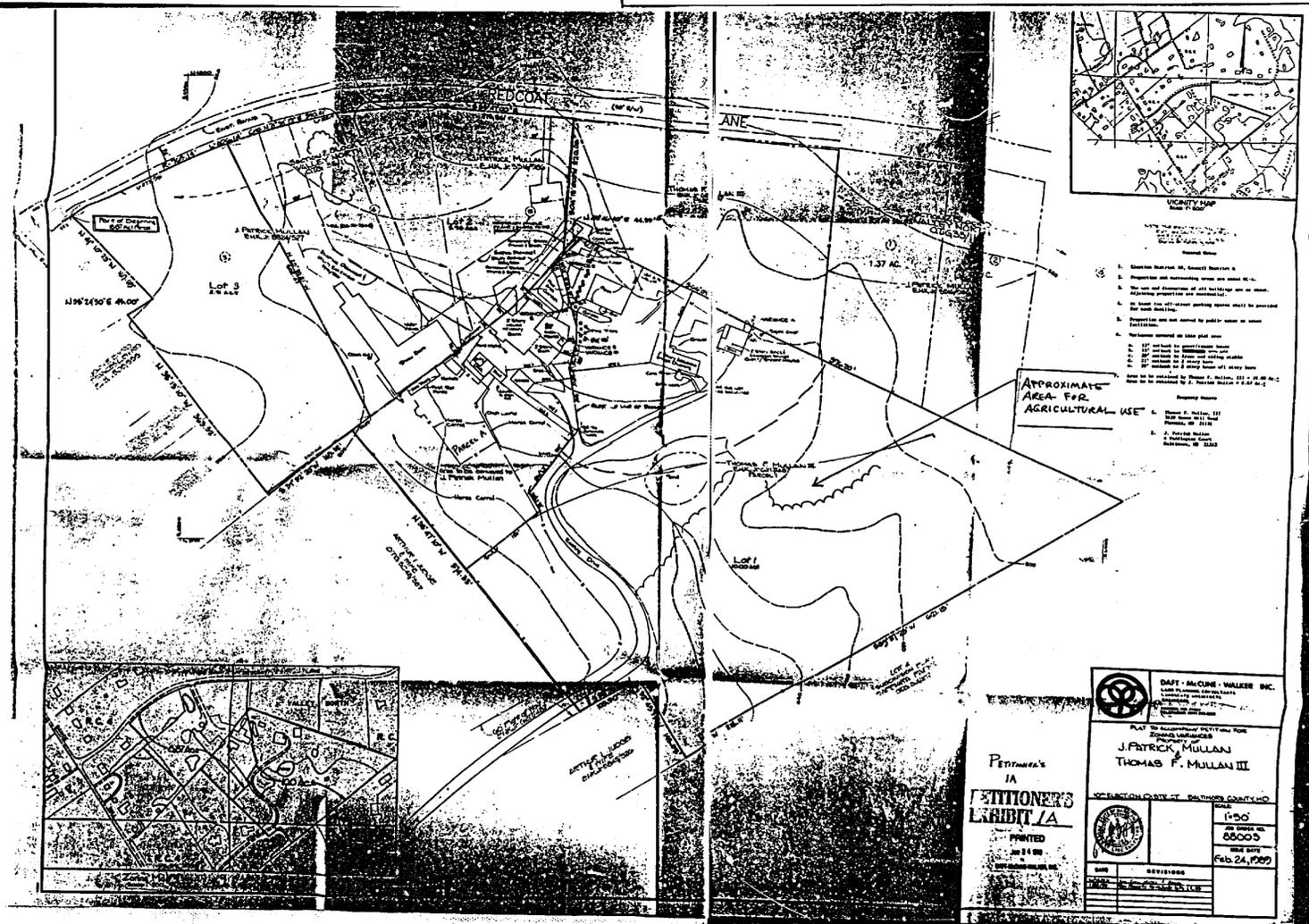
Thank you for your letter to Rob Hoffman dated October 7, 1991 regarding the above-referenced property. I am writing at Mr. Hoffman's request to confirm that we prepared Deeds for the parcels to be transferred which contained the required binding and restrictive language, that such Deeds were reviewed and approved by Pat Keller and Arnold Jablon, and that the Deeds have been fully executed and recorded in the Land Records of Baltimore County. This should satisfy the outstanding condition placed on your acceptance of the revised plan noted in your letter dated October 7, and resolve all outstanding matters relating to Case No. 90-114-A.

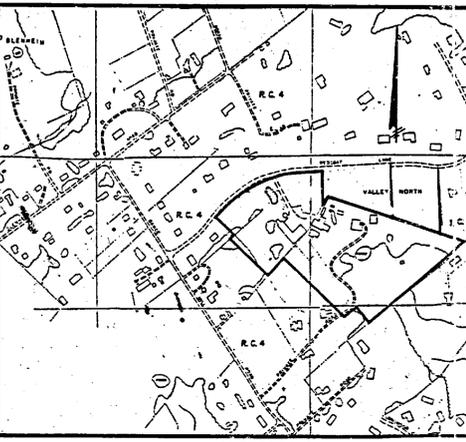
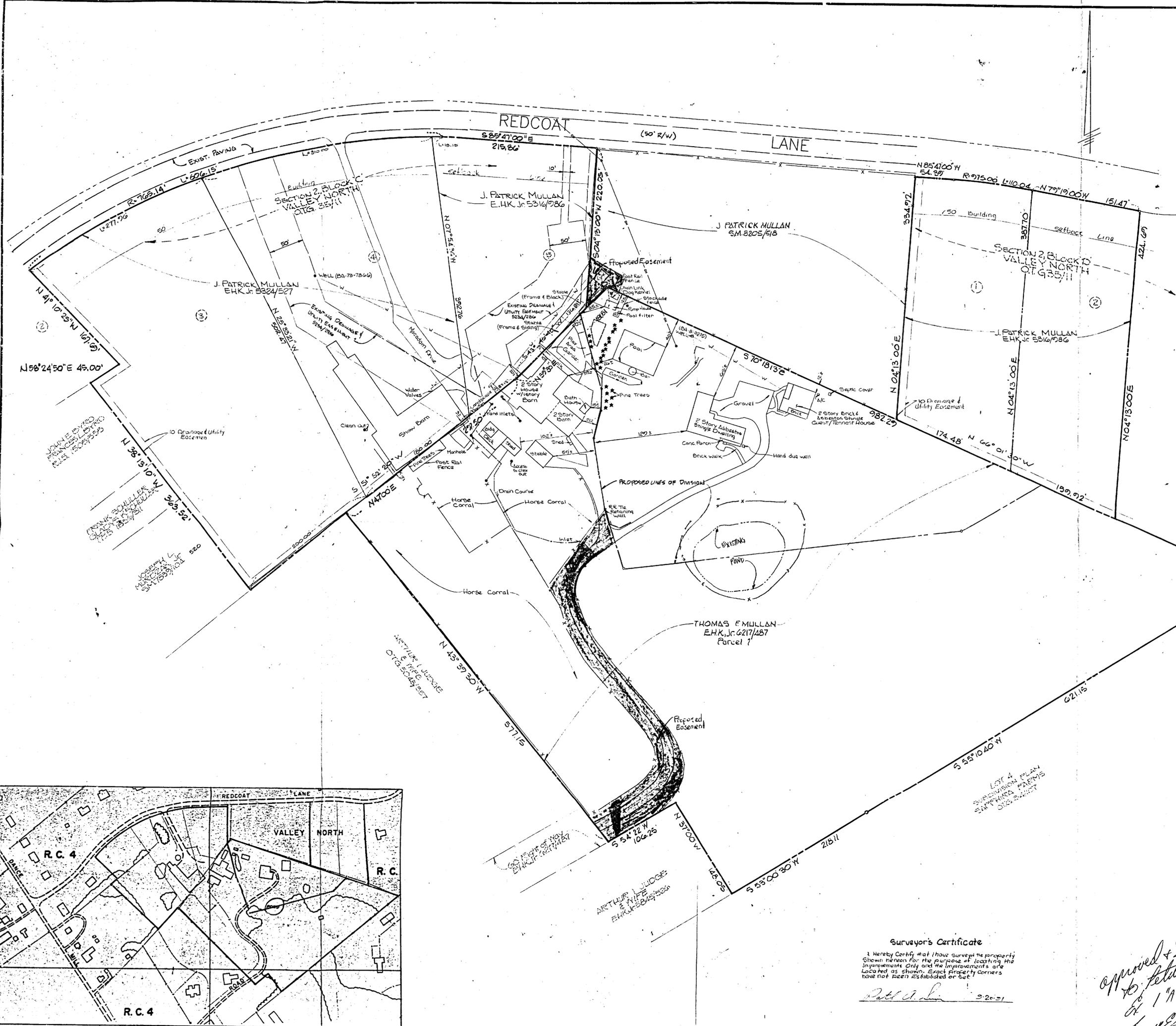
Thank you for your cooperation in this matter.

Sincerely,  
  
J. Michael Brennan

JMB/dok  
cc: Robert A. Hoffman, Esquire  
Thomas F. Mullan, III  
J. Patrick Mullan

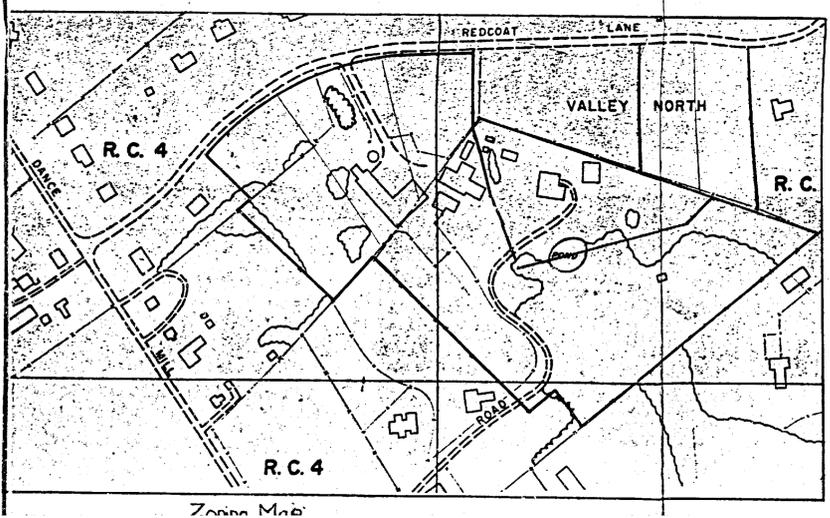
RECEIVED  
OCT 22 1991  
ZONING OFFICE





NOTE: Map shown herein taken from Baltimore County Office of Planning and Zoning. Official Zoning Map - NE-B-D. Dated: OCTOBER 15, 1988.

- General Notes
1. Election District 10, Council District 6
  2. Properties and surrounding areas are zoned RC-4.
  3. The use and dimensions of all buildings are as shown. Adjoining properties are residential.
  4. At least two off-street parking spaces shall be provided for each dwelling.
  5. Properties are not served by public water or sewer facilities.



Surveyor's Certificate  
 I Herby Certify that I have surveyed the property shown herein for the purpose of locating the improvements only and the improvements are located as shown. Exact property corners have not been established or set.

*Patricia L. ...* 9-20-01

*approved & substituted by Petitioners*  
 9/19/01  
*Lawrence E. ...*

	<b>DAFT - McCUNE - WALKER INC.</b> LAND PLANNING CONSULTANTS LANDSCAPE ARCHITECTS ENGINEERS TOWSON, MD. 21284 TELEPHONE: (301) 290-3333
	LOCATION SURVEY FOR PROPERTY OF <b>J. PATRICK MULLAN &amp; THOMAS F. MULLAN III</b>
ELECTION DISTRICT 10 BALTIMORE COUNTY, MD.	SCALE: <b>1" = 50'</b> JOB ORDER NO. <b>88003</b> ISSUE DATE <b>September 2001</b>
DATE: _____	REVISIONS: _____